UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

UNITED STATES OF AMERICA,)	
)	
v.)	No. 1:04-cr-45-TRM-SKL
)	
ADRIAN MCGHEE)	

MEMORANDUM AND ORDER

ADRIAN MCGHEE ("Defendant") appeared for a hearing on September 26, 2016, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant or Summons for an Offender Under Supervision ("Petition").

Defendant was placed under oath and informed of his constitutional rights. It was determined that Defendant wished to be represented by an attorney and he qualified for appointed counsel. Federal Defender Services of Eastern Tennessee was appointed to represent Defendant. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petition.

The Government moved that Defendant be detained without bail pending his revocation hearing before U.S. District Judge McDonough. Defendant waived his right to a preliminary hearing but requested a detention hearing, which was held. U.S. Probation Officer Crystal Johnson testified regarding the factual allegations set forth in the Petition and related matters. Both parties presented their respective arguments, which were fully considered by the Court.

Based upon the Petition and Defendant's waiver of preliminary hearing, the Court finds there is probable cause to believe Defendant has committed a violation of his conditions of supervised release as alleged in the Petition.

As addressed in greater detail during the detention hearing, though Defendant has had success in certain aspects of his conditions of supervision, Defendant has not carried his burden of demonstrating by clear and convincing evidence that, if released, he would not pose a danger to another person or to the community due to his long history of assaultive behavior and the nature of the alleged violations of his conditions. Based on the proof addressed more fully during the hearing and pursuant to Fed. R. Crim. P. 32.1(a)(6), the Court finds Defendant has not carried his burden of demonstrating by clear and convincing evidence that, if released, he would not pose a danger to another person or to the community.

Accordingly, it is **ORDERED** that:

- (1) Defendant shall appear for a revocation hearing before U.S. District Judge McDonough.
- (2) The Government's motion that Defendant be **DETAINED WITHOUT BAIL** pending his revocation hearing before Judge McDonough is **GRANTED**.

(3) The U.S. Marshal shall transport Defendant to a revocation hearing set before Distric
Judge McDonough on November 18, 2016 at 2:00 p.m.

SO ORDERED.

ENTER.

s/ Susan K. Lee

SUSAN K. LEE UNITED STATES MAGISTRATE JUDGE